

AM1354  
LB 210  
DEH-04-15

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DEH-04-15

AMENDMENTS TO LB 210

(Amendments to E & R amendments, AM7098)

1           1. Insert the following sections:

2           "Sec. 3.     (1) If an employee, or an employee's  
3     dependents, initiate a judicial proceeding, lawsuit, or other  
4     similar proceeding for benefits pursuant to the laws of another  
5     state or country concerning workers' compensation and if the  
6     employee's or the employee's dependents' petition or complaint is  
7     dismissed after a trial on the merits of the case, then the  
8     employee or the employee's dependents shall not be eligible for  
9     benefits under the Nebraska Workers' Compensation Act for  
10    compensation or medical benefits for the same accident, injury, or  
11    death.

12           (2) If an employee, or an employee's dependents, initiate  
13    a judicial proceeding, lawsuit, or other similar proceeding for  
14    benefits pursuant to the laws of another state or country  
15    concerning workers' compensation, any lawsuit or judicial  
16    proceeding initiated by an employee, or an employee's dependents,  
17    for workers' compensation benefits under the Nebraska Workers'  
18    Compensation Act for the same injury, accident, disability, or  
19    death shall be stayed, without prejudice, pending resolution of the  
20    out-of-state claim for benefits.

21           (3) If compensation benefits are paid under the Nebraska  
22    Workers' Compensation Act and were payable, at any time, for the  
23    same injury, accident, disability, or death pursuant to the laws of

AM1354  
LB 210  
DEH-04-15

AM1354  
LB 210  
DEH-04-15

1 another state or country concerning workers' compensation, the  
2 employer shall have a credit toward the benefits payable pursuant  
3 to the Nebraska Workers' Compensation Act for any benefits paid in  
4 another state or country or for benefits paid pursuant to another  
5 state or country's laws.

6           Sec. 4. Section 48-1,110, Reissue Revised Statutes of  
7 Nebraska, is amended to read:

8           48-1,110. (1) Sections 48-101 to 48-1,117 and section 3  
9 of this act shall be known and may be cited as the Nebraska  
10 Workers' Compensation Act.

11           (2) It is the intent of the Legislature that the changes  
12 made in Laws 1986, LB 811, shall not affect or alter any rights,  
13 privileges, or obligations existing immediately prior to July 17,  
14 1986.".

15           2. On page 7, line 14 strike "section 48-125.01" and  
16 insert "sections 48-125.01 and 48-1,110".

17           3. Renumber the remaining sections accordingly.